

COUNTER-COMPLAINT FOR CUSTODY/CHILD SUPPORT INSTRUCTIONS FOR COMPLETING DOM REL 95

If someone has filed a Complaint for Custody of your children against you or if someone has filed a Complaint for Child Support against you and you want the court to grant you relief, you can file a Counter-Complaint either through an attorney or by yourself. DOM REL forms were developed to assist persons deciding to proceed alone, but you are urged to consider carefully the importance of getting an attorney to help you. Custody, if contested, is one of the most difficult types of cases and you should consider seriously using an attorney.

There are 4 steps you must follow in order to proceed with the case yourself:

> STEP 1 — Completion of Form DOM REL 95.

Page 1 of DOM REL 95:

Court: Fill in the name of the County (or Baltimore City) where you intend to file your case. See ***General Instructions***.

Case No.: You should use the case number that is on the Complaint that was filed against you. You can locate the case number by looking at the front page towards the top. Copy that number on the “Case No.” line.

Plaintiff/Counter-Defendant: Fill in the other person’s name under “Plaintiff/Counter-Defendant.” Be sure to include a current address and telephone number.

Defendant/Counter-Plaintiff: Fill in your name, as “Defendant/Counter-Plaintiff,” and your current address and telephone number.

*Check off which type of case was filed against you either Complaint for Custody or Child Support. On the next line, print your name in the space provided and state the type of case again.

Item 1: State your relationship to the child(ren) by checking “mother” or “father” or naming your relationship in the blank.

List the child(ren)’s full name(s) and date(s) of birth.

Item 2: List all other cases in any court that have involved any of the child(ren). Attach the most recent court order for the listed cases.

Item 3: List all other cases you have participated in as a party, witness, or in any other

way, that concern the custody or visitation of the same child(ren). Include the state in which the case took place, the court, case number, and the date of any child custody determination made in that case. Attach the most recent court order for the listed cases.

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Item 4: List any person, not a party to this case, who has physical custody of the child(ren) or claims to have legal or physical custody or visitation rights with respect to the child(ren).

Item 5: Enter the name of the person with whom the child(ren) is(are) living at this time.

Item 6: List all other places the child(ren) have lived in the last 5 years. Include the time period, place lived, person with whom they lived and that person's current address.

Item 7: Check the box that applies to your case.

Item 8: Check each box that applies to you. Check the third box if you believe the amount the parent is paying is not the amount that would be required by the Maryland Child Support Guidelines.

Item 9: In the space provided, give the court as much details as possible that prove your case and supports the relief that you are asking the court to give you.

Page 2 and 3 of DOM REL 4:

FOR THESE REASONS: Check off everything you want but **remember that the court need not give you what you asked for.**

Custody/Visitation: You can ask for sole or joint legal custody and/or sole or shared physical custody. You can ask the court to allow the unrestricted visitation with the child(ren) **or** to allow the visitation on a certain schedule or with supervision **or** to deny visitation. You should have a good reason for asking to deny visitation, and the reason(s) should be stated after the word "because."

Health Insurance: You can ask the court to order the parent(s)/other parent to include the child(ren) on his/her/their health insurance.

Child Support: You can ask the court to order the parent(s)/other parent to pay child support. If you want child support, you must complete a financial statement (DOM REL 30 or 31).

Other Requests: If you wish the court to order anything else that relates to the

child(ren), you should list it here.

Complete the affirmation at the bottom of the page, then date and sign form DOM REL 95.

> STEP 2 — Filing Forms and Paying Filing Fee.

Take your completed form(s) to the Clerk of Court. Payment of a filing fee generally is required at this time. See *General Instructions*. Use the same case number that was given to the person who filed the first Complaint.

> STEP 3 — Service.

You will need to have the other party properly served with a copy of all the papers you are filing. Service can be made by mailing a copy of the papers to the opposing party at their last known address. The Certificate of Service at the end of DOM REL 95 must be completed with the date the papers were mailed and the name and address of the opposing party or his/her attorney.

> STEP 4 — Scheduling Conference, Hearing or Trial.

See page 5 of *General Instructions - What Happens in Court?*

If you have asked for child support, you must bring to the scheduling conference, hearing or trial, copies of any financial statements that you have completed (DOM REL 30 or 31) and copies of your last three paystubs or other income verification.

Custody is one of the most difficult types of cases. **IF CUSTODY IS CONTESTED, YOU SHOULD CONSULT AN ATTORNEY.**